

08 / 913960

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
REQUEST FOR FILING NATIONAL PHASE OF
PCT APPLICATION UNDER 35 U.S.C. 371 AND 37 CFR 1.494 OR 1.495

100 Rm 6 PCT/PTO 25 SEP 1997

To: The Commissioner of Patents
and Trademarks
Washington, D.C. 20231
(Our Deposit Account No. 03-3975)
(Our Order No. 41015/ 242267
C# / M# *X5*

TRANSMITTAL LETTER TO THE UNITED STATES
DESIGNATED/ELECTED OFFICE (DO/EO/US) Atty Dkt: 242267/ MBUS1126A
M#/Client Ref. *X5*

From Cushman Darby & Cushman Date: September 25, 1997

This is a **REQUEST** for **FILING** a PCT/USA National Phase Application based on:

1. International Application	2. International Filing Date	3. Earliest Priority Date Claimed
PCT/GB96/00575 <u>↑ country code</u>	19 MAR 1996 Day MONTH Year	25 MAR 1995 Day MONTH Year (use item 2 if no earlier priority)

4. Measured from the earliest priority date in item 3, this PCT/USA National Phase Application Request is being filed within:

(a) 20 months from above item 3 date (b) 30 months from above item 3 date,

(c) Therefore, the due date (unextendable) is September 25, 1997

5. Title of Invention PHARMACEUTICAL COMPOSITION CONTAINING SELECTED LANTHANUM CARBONATE HYDRATES

6. Inventor(s) MURRER, Barry Anthony et al

Applicant herewith submits the following under 35 U.S.C. 371 to effect filing:

7. Please immediately start national examination procedures (35 U.S.C. 371 (f)).

8. A copy of the International Application as filed (35 U.S.C. 371(c)(2)) is transmitted herewith (file if in English but, if in foreign language, file only if not transmitted to PTO by the International Bureau) including:

- a. Request;
- b. Abstract;
- c. _____ pgs. Spec. and Claims;
- d. _____ sheet(s) Drawing which are informal formal of size A4 13" 14"

9. A copy of the International Application has been transmitted by the International Bureau.

10. A translation of the International Application into English (35 U.S.C. 371(c)(2))

- a. is transmitted herewith including: (1) Request; (2) Abstract;
(3) _____ pgs. Spec. and Claims;
(4) _____ sheet(s) Drawing which are:
 informal formal of size A4 13" 14"
- b. is not required, as the application was filed in English.
- c. is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.
- d. Translation verification attached (not required now).

11. PLEASE AMEND the specification before its first line by inserting as a separate paragraph:

--This application is the national phase of international application PCT/GB96/00575, filed March 19, 1996 which designated the U.S.--

A1

12. Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., before 18th month from first priority date above in item 3, are transmitted herewith (file if in English but, if in foreign language, file only if not transmitted by the International Bureau) including:

13. PCT Article 19 claim amendments (if any) have been transmitted by the International Bureau

14. Translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)), i.e., of claim amendments made before 18th month, is attached (required by 20th month from the date in item 3 if box 4(a) above is X'd, or 30th month if box 4(b) is X'd, or else amendments will be considered canceled).

15. **A declaration of the inventor (35 U.S.C. 371(c)(4))**
 a. is submitted herewith Original Facsimile/Copy
 b. is not herewith, but will be filed when required by the forthcoming PTO Missing Requirements Notice per Rule 494(c) if box 4(a) is X'd or Rule 495(c) if box 4(b) is X'd.

16. **An International Search Report (ISR):**
 a. Was prepared by European Patent Office Japanese Patent Office Other
 b. has been transmitted by the international Bureau to PTO.
 c. copy herewith (____ pg(s).) plus Annex of family members (____ pg(s).).

17. **International Preliminary Examination Report (IPER):**
 a. has been transmitted (if this letter is filed after 28 months from date in item 3) in English by the International Bureau with Annexes (if any) in original language.
 b. copy herewith in English.
 c. 1 IPER Annex(es) in original language ("Annexes" are amendments made to claims/spec/drawings during Examination) including attached amended:
 c. 2 Specification/claim pages # _____ claims #
 Dwg Sheets #
 d. Translation of Annex(es) to IPER (required by 30th month due date, or else annexed amendments will be considered canceled).

18. **Information Disclosure Statement** including:
 a. Attached Form PTO-1449 listing documents
 b. Attached copies of documents listed on Form PTO-1449
 c. A concise explanation of relevance of ISR references is given in the ISR.

19. Assignment document and Cover Sheet for recording are attached. Please mail the recorded assignment document back to the person whose signature, name and address appear at the end of this letter.

20. Copy of Power to IA agent.

21. Drawings: ____ sheet(s) per set: 1 set informal; Formal of size A4 11"

22. _____ (No.) **Verified Statement(s)** establishing "small entity" status under Rules 9 & 27

23. **Priority** is hereby claimed under 35 U.S.C. 119/365 based on the priority claim and the certified copy, both filed in the International Application during the international stage based on the filing in (country) Great Britain of:

	<u>Application No.</u>	<u>Filing Date</u>		<u>Application No.</u>	<u>Filing Date</u>
(1)	9506126.3	25 MAR 1995	(2)		
(3)			(4)		
(5)			(6)		

a. See Form PCT/IB/304 sent to US/DO with copy of priority documents. If copy has not been received, please proceed promptly to obtain same from the IB.
 b. Copy of Form PCT/IB/304 attached.

24. Attached:

25. **Preliminary Amendment:**

• 25.5 Per Item 17.c3, cancel original pages #_____, claims #_____, Drawing Sheets #_____

26. **Calculation of the U.S. National Fee (35 U.S.C. 371 (c)(1)) and other fees is as follows:**
based on amended claim(s) per above item(s) 12, 14, 17, 25, 25.5 (hilite)

Total Effective Claims	minus 20 =	x \$22/\$11 = \$	966/967
Independent Claims	minus 3 =	x \$80/\$40 = \$	964/965
If any proper (ignore improper) Multiple Dependent claim is present,		add\$260/\$130 +	968/969

BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(4)): →→BASIC FEE REQUIRED NOW→→

A. If country code letters in item 1 are not "US", "BR", "BB", "TT", "MX", "IL" or "NZ"

See item 16a re:

1. Search Report was <u>not prepared by EPO or JPO</u> - - - - -	add\$1040/\$520	960/961
2. Search Report was prepared by EPO or JPO - - - - -	add\$910/\$455	+910 970/971

SKIP B, C, D AND E UNLESS country code letters in item 1 are "US", "BR", "BB", "TT", "MX", "IL" or "NZ"

(X) → <input type="checkbox"/> B. If neither international search fee nor international preliminary examination fee was paid to <u>USPTO</u> , - - - - -	add\$1040/\$520	+0 960/961
(Only one) → <input type="checkbox"/> C. If international search fee was paid to <u>USPTO</u> but not international preliminary examination fee, - - - - -	add\$770/\$385	+0 958/959
(Of these 4 boxes) → <input type="checkbox"/> D. If international preliminary examination fee was paid to <u>USPTO</u> - - - - -	add\$700/\$350	+0 956/957
→ <input type="checkbox"/> E. If international preliminary examination fee was paid to <u>USPTO</u> and Rules 492(a)(4) and 496(b) <u>satisfied</u> , - - - - -	add \$96/\$48	+0 962/963

27. **SUBTOTAL = \$910**

28. If Assignment box 19 above is X'd, add Assignment Recording fee of \$40 +0 (581)

29. Attached is a check to cover the - - - - - **TOTAL FEES \$910**

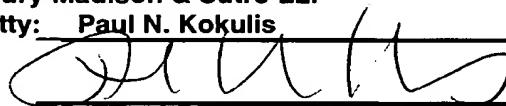
CHARGE STATEMENT: The Commissioner is hereby authorized to charge any fee specifically authorized hereafter, or any missing or insufficient fee(s) filed, or asserted to be filed, or which should have been filed herewith or concerning any paper filed hereafter, and which may be required under Rules 16-18 and 492 (missing or insufficient fee only) now or hereafter relative to this application and the resulting Official document under Rule 20, or credit any overpayment, to our Account/Order Nos. shown in the heading hereof for which purpose a duplicate copy of this sheet is attached.

This CHARGE STATEMENT does not authorize charge of the issue fee until/unless an issue fee transmittal form is filed

1100 New York Avenue, N.W.
Ninth Floor East Tower
Washington, D.C. 20005-3918
Tel: (202) 861-3000
PNK/sdm

Cushman Darby & Cushman
Intellectual Property Group of
Pillsbury Madison & Sutro LLP

By: Atty: Paul N. Kokulis

Sig: 

Reg. No. 16773

Fax: (202) 822-0944
Tel: (202) 861-3503

NOTE: File in duplicate with 2 postcard receipts (CDC-103) & attachments.